



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,315	03/27/2000	Eiji Ogawa	Q55898	4621

7590 01/02/2003

Sughrue Mion Zinn
MacPeak & Seas
2100 Pennsylvania Avenue NW
Washington, DC 20037

EXAMINER

HARTMAN JR, RONALD D

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/536,315	OGAWA, EIJI
	Examiner Ronald D Hartman Jr.	Art Unit 2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 October 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-X18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____ .

DETAILED ACTION

Claims 1-4 were originally presented for examination.

Claims 5-18 have been added by way of amendment, so

Claims 1-18 are now presented for examination.

Response to Arguments

Applicant's arguments filed on 10/18/2002 have been fully considered but they are not persuasive for the reasons as set forth below.

The applicant has argued, with respect to independent claims 1 and 3, that Friz does not teach "a plurality of medical image input devices having respective histories of evaluation results on specified items regarding the quality of the individual medical image input devices", or as the applicant goes on further to say, Friz does not teach a quality control system for medical input devices but merely teaches a quality control system for medical output devices. The examiner respectfully disagrees. That is, since the laser imager may be viewed as both an input and output device since it receives data from modalities (thereby inherently forming an input device from the modalities) and it outputs information related to its function (thereby inherently forming an output device) to a remote performance monitoring system, the examiner believes that indeed Friz does teach or at least adequately suggest a quality control system for medical input devices since the laser imagers may be viewed as either input or output devices, based on the interpretation of the observer. Furthermore, the remote performance monitoring

system also uses a memory which stores all the historical information related to the performance of the laser imagers (C10 L32-58) and possesses the ability to alter or change the operations of the devices. Therefore, since this is the only argument made by the applicant with respect to claims 1-4, and since the examiner has maintained his rejection based on the originally applied art of Friz, this action is Final and a repeated rejection has been included below for the applicant's convenience.

Claim Rejections - 35 USC § 102 (maintained)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Friz et al, U.S. Patent No. 5,786,994.

As per claims 1 and 3, Friz teaches a quality control system for medical diagnostic apparatuses comprising:

- a. a plurality of medical diagnostic apparatuses (Figure 3 elements 14₁ – 14_N) having respective histories of evaluation results on specified items regarding quality of individual medical apparatuses (Figure 1 element 18 and col. 6 line 64 – col. 8 line 2);
- b. a control device which stores all of the histories of said evaluation results which respective medical diagnostic apparatuses hold to control the histories thereof centrally (Figure 3 element 46);
- c. a network onto which said plurality of medical diagnostic apparatuses and said control device are connected (telephone communications network; Figure 3 elements 48₁ – 48_N and col. 11 lines 26-29).

As per claims 2 and 4, Friz teaches medical input/output devices that may take the form of either a magnetic resonance, computed tomography, conventional radiography or ultrasound device (col. 6 lines 59-65).

Claim Rejections - 35 USC § 102 (new)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-10, 14-15 and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Babula et al, U.S. Patent No. 6,381,557.

As per claims 1, 3, 14-15 and 18, Babula teaches a medical imaging system service evaluation comprising:

- a. a plurality of medical diagnostic apparatuses (Figure 1, elements 14, 16 and 18) having respective histories of evaluation results on specified items regarding quality of individual medical apparatuses (Figure 1 elements 22 and 88);
- b. a control device (Figure 1 element 22 or element 72) which stores all of the histories of said evaluation results which respective medical diagnostic apparatuses hold to control the histories thereof centrally;
- c. a network onto which said plurality of medical diagnostic apparatuses and said control device are connected (Figure 1 element 80).

As per claims 2, 4, 6 and 8, Babula teaches output devices connected to the network configuration (Figure 1 elements 36 and 52).

As per claims 5 and 7, Babula teaches the use of a database feature for use by the central service facility for storing information related to the medical imaging system (Figure 1 element 88).

As per claims 9-10 and 17, Babula teaches the use of portable laptop computer (Figure 1 element 24).

As per claims 11-13, Babula teaches system reports and service histories (Figure 9).

Claim Objections (new)

Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim (claim 11). Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Ronald D. Hartman Jr.
Art Unit 2121
December 30, 2002



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100